

In the Context of Strengthening the Reform Process Available Options to Reduce the Burden Finance for Retirement of Politicians



العدد الثاني والخمسون الوثائق الفلسطينية يناير ٢٠٢٤

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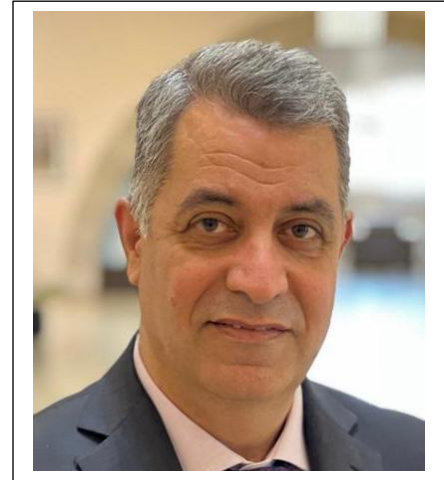
الفصل الأول
تعريفات
مادة (١)

يكون للألفاظ والمبانيات التالية المعاني المخصصة لها أثناء ما لم تدل القرينة على خلاف ذلك:-
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This paper is the third among the policy papers issued by the Center for the year 2024. These papers address internal and external policy issues of interest to Palestinian society and decision-makers.

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The amendment of the Law on the Remuneration and Salaries of Members of the Legislative Council, Members of the Government and Governors "Retirement of Politicians", towards granting this type of retirement to holders of the degree of minister from the heads of public institutions, revived the debate on the legality of the retirement of politicians and its compatibility with the rules and provisions of the Basic Law, the size of the cost of political retirement on the state treasury, and the burdens it imposes on the pockets of citizens, especially on future generations in light of the chronic financial crisis of the state treasury, and the extent to which the philosophical principles of the social protection system "security" are respected and adhere to the foundations and rules of the Public retirement in the State of Palestine, preserving public funds and preventing the facilitation of the imposition of undue financial obligations. At the same time, ensure the optimal use of public funds and the proper spending of taxpayers' money in order to improve public services and meet the needs of citizens. All of this is in line with the government's policy to rationalize public spending and stop any additional financial burdens within the framework of the comprehensive reform process.

Over the twenty years since the adoption of the Politicians' Retirement Law, which relates to the retirement of ministers, deputies and governors, new categories have been added with special laws such as the Presidential Office Law, the Financial and Administrative Audit Bureau Law, the Anti-Corruption Law, and the Supreme Constitutional Court Law. The Politicians' Retirement Law since 2004 has undermined the foundations of the internationally recognized retirement and social security system based on the prepayment of future benefits, in addition to the fact that this payment must be for a minimum number of years to obtain this type of benefit; in Palestine they legally agreed that it should be at least fifteen years to obtain old-age pension. It also created financial burdens on the public treasury without studying or calculating the subsequent financial obligations on the public treasury, taxpayers and future generations.

This paper presents The extent of the legitimacy of the "legality" of the section on pensions in Law No. 11 of 2004 on the Remuneration and Salaries of Members of the Legislative Council, Members of the Government and Governors and its Amendments "Politicians Retirement Law", and then Exposure to The potential financial cost of implementing this law on future generations, including other laws that granted some heads of public institutions the retirement of ministers. Constitutional Court judges retire deputies, and then The reform options available to reduce the financial burdens of the politicians' retirement system; this paper presents practical proposals to address the consequences of the politicians' retirement law and those who benefited from it, including new categories added to this type of retirement, and who may assume "political" positions later, with the aim of achieving serious reform of this expenditure by stopping this type of retirement that violates the goals of the constitutional legislator and burdens the public treasury and imposes additional burdens on taxpayers and future generations.

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This paper reviews the legality of the "legality" section of the Legislative Council Members, Government Members and Governors Law No. 11 of 2004 and its amendments (the "Politicians Retirement Law"), and then presents the potential financial cost of applying this law to future generations, including other laws that granted some heads of public institutions the retirement of ministers and judges of the Constitutional Court the retirement of deputies, and then the reform options available to reduce the financial burdens of the politicians' retirement system. **This paper presents practical proposals to address the consequences of the political retirement law and those who benefited from it who were added from new categories of this type of retirement, and who could assume "political" positions later, with the aim of achieving a serious reform of this expense by stopping this type of retirement that violated the objectives of the constitutional legislator and burdens the public treasury and carries additional burdens for taxpayers and future generations.**

Continuous attempts to expand the segment of political pensioners

Precedents in this matter show that there are three attempts to expand the categories benefiting from the Law on the Remuneration and Salaries of Members of the Legislative Council, Members of the Government and Governors No. 11 of 2004 on the inclusion of those holding the rank of minister in the Politicians' Retirement Law, as a draft law by law was included on the agenda of the Council of Ministers meeting in the second week of October 2014 regarding the retirement of some advisers and heads of non-governmental ministerial institutions who are appointed with the rank of minister; At the rank of a minister receives the retirement of the minister." But the government did not continue to consider it after opposition from researchers and media at the time.²

In 2020, Law by Decree No. (4) of 2020 was issued regarding the amendment of the Remuneration and Salaries of Members of the Legislative Council, Members of the Government and Governors Law No. (11) of 2004 AD, and its amendments.³, in which a new article was added to the original law after Article (11) bearing No. (11) bis, as follows: "With the exception of those whose rights are regulated by special regulations, whoever is appointed with the rank of minister and occupies the presidency of a public institution and the like, shall be entitled to the retirement rights due to the minister in accordance with the provisions of this law, provided that Their contributions are refunded to them and the public treasury has its share, and the Palestinian Pension Authority regulates this." However, with the protests that accompanied the issuance of this law by decree through social media and the objection of the then Prime Minister, Dr. Muhammad Shtayyeh⁴. the decree by law was canceled by virtue of Law by Decree No. (14) of 2020 AD regarding the cancellation of Law by Decree No. (4) of 2020 AD regarding the amendment of the Law on the

²See [the government "The exit" of power... and the rank of minister](#) Written by: Jihad Harb (alwatanvoice.com) [The minister retired...andThe "Exit" of Authority](#) Written by: Jihad Harb | Dunya Al-Rai (alwatanvoice.com)

³See [Resolution by Law No. \(4\) of 2020 amending the Law on Rewards and Salaries of Members of the Legislative Council, Members of the Government and Governors No. \(11\) of 2004 and its amendments](#)(birzeit.edu)

⁴See [Country Gossip: The two decrees are laws... every cloud has a silver lining](#)(maannews.net)

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Remuneration and Salaries of Members of the Legislative Council, members of the government and governors No. (11) of 2004 AD and its amendments.⁵

In 2024, on June 30, 2024, Palestinian President Mahmoud Abbas issued Law by Decree No. 8 of 2024 amending the Law on Remuneration and Salaries of Members of the Legislative Council, Members of the Government and Governors No. 11 of 2004 and its amendments, which was published in the Palestinian Gazette No. 217 issued on 26/8/2024. Under this amendment, a new category was added for those who enjoy the retirement of politicians, namely public employees who assume the presidency of public institutions and hold the special degree "the rank of minister", through the amendment of the first article of Law No. 11 of 2004 related to definitions, where the meaning of the word minister contained in this law became the following: "Minister: a member of the government, or the like who appoints or occupies the head of a government department with the rank of minister."

The legality of the retirement of politicians

The Palestinian Legislative Council based its promulgation of the Law on the Remuneration and Salaries of Members of the Legislative Council, Members of the Government and Governors No. 11 of 2004 and its establishment of the so-called retirement of politicians on the amended Basic Law and its interpretation of the provisions of Articles 55 and 81 thereof without mentioning them in the preamble of the law, by granting retirement to those who obtained political positions, ministers and deputies, and added a non-political category "governors" subject to various laws and administrative regulations "the Civil Service Law and the Service Law for the Palestinian Security Forces". Articles 55 & 81 talked about allocations, while Article 44 stipulated allocations and compensation, which transpires from it that the constitutional legislator wanted different meanings and concepts for each category of them, which leads to doubt in the ordinary legislator's handling of the part of the retirement of politicians "ministers, deputies and governors" and those who obtained this type of retirement by virtue of special laws, whether by hiding the provisions of Articles 55 and 81 in the preamble to the law or the existence of a quasi-conflict of interest through the approval of privileges not provided for in the Basic Law for its members and the benefit thereof.

Constitutional provisions relating to the financial aspects of political office in Palestine in accordance with the amended Basic Law of 2003 and its amendments:

- (1) Article 55: "The allocations, rights and duties of members of the Legislative Council shall be determined by law."
- (2) Article 81 "The allocations of the Prime Minister, ministers and the like shall be determined by law."
- (3) Article 44: "The law of the allowances and compensation of the President of the National Authority shall be determined by law."

(1) Law No. 11 of 2004 on the Remuneration and Salaries of Members of the Legislative Council, Members of the Government and Governors⁶

The Remuneration and Salaries of Members of the Legislative Council, Members of the Government and Governors Law No. 11 of 2004, and its amendments, grants a special retirement

⁵See [Decision-Law No. \(14\) of 2020 regarding the cancellation of Decision-Law No. \(4\) of 2020 regarding amending the Law on Rewards and Salaries of Members of the Legislative Council, Members of the Government and Governors No. \(11\) of 2004 and its amendments\(birzeit.edu\)](#)

⁶See [Law No. \(11\) of 2004 on Remuneration and Salaries of Members of the Legislative Council, Members of the Government and Governors\(ogb.gov.ps\)](#)

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system that differs from the rules and system of public retirement, granting a retirement quota to a deputy of 12.5% bonus for each year spent in the prosecution, i.e. within four years he receives 50% of his salary. The minister receives 20% of the remuneration for each year he spends in government, i.e. within four years, he receives 80% of his salary, while the governor receives 10% for each year spent in office. Compared to 2% for public servants for every year they spend in public service, i.e. within thirty years, they receive 60% - 70% of their salaries.

(2) Law No. 18 of 2005 on the Allowances and Compensation of the President of the Palestinian National Authority⁷

Law No. 18 of 2005 granted the head of the authority/state, after leaving office, a monthly bonus equal to (80%) of the total amount determined for the monthly allowance linked to the cost of living schedule, and in the event of his death, it shall be paid as a pension to his family in accordance with the provisions of the Retirement Law.

(3) Resolution No. (61) of 2010 Concerning Determining the Salary and Financial Rights of the President of the State Audit and Administrative Control Bureau, and Law by Decree No. (18) of 2017 Concerning the Amendment of the Law of the State Audit and Administrative Control Bureau No. (15) of 2004

Presidential Decree No. 61 of 2010⁸, which was then settled by Law by Decree No. 18 of 2017 amending the State Audit and Administrative Control Bureau Law No. 15 of 2004⁹ granted the President of the State Audit and Administrative Control Bureau the retirement of the minister, as Article III of the Law by Decree amending Article 10 of the original law stipulates that "The President of the Bureau shall receive a salary equivalent to the salary allocated to ministers, and shall enjoy the privileges granted to them. **B.** The President of the Bureau or his heirs shall be entitled to an amount equal to (20%) of the monthly salary for each year spent in the Bureau up to a maximum of (80%) of the total amount determined for the monthly salary, linked to the schedule of the cost of living, to be paid monthly immediately after the vacancy of his position, and for this purpose the fractions of the year shall be calculated for a full year. **C.** Notwithstanding the provisions of paragraphs (a) and (b) of this paragraph, the retirement salary of the President of the Bureau shall not be less than (50%) of the monthly salary, regardless of the period spent in office. **D.** The former heads of the Bureau shall be treated as if they had acted in accordance with the provisions of this Law by Decree and its provisions shall apply to them.

(4) R Law by Decree No. 27 of 2019 Amending the Anti-Corruption Law No. 1 of 2005 and its Amendment¹⁰

Article 2 of the Law by Decree was granted that "the text of paragraph (3) of Article (3) of the Original Law shall be amended to become as follows: The Chairman of the Authority shall be

⁷See [Law No. \(18\) of 2005 on the Allocations and Compensations of the President of the Palestinian National Authority\(ogb.gov.ps\)](#)

⁸See [Resolution No. \(61\) of 2010 regarding determining the salary and financial rights of the President of the Financial and Administrative Control Bureau\(birzeit.edu\)](#)

⁹See [Resolution No. \(18\) of 2017 amending the Financial and Administrative Control Bureau Law No. \(15\) of 2004\(birzeit.edu\)](#)

¹⁰See [Resolution No. \(27\) of 2019 amending Anti-Corruption Law No. \(1\) of 2005 and its amendments\(birzeit.edu\)](#)

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appointed by a decision of the President of the State based on the recommendation of the Council of Ministers, and the Chairman of the Authority shall receive a salary equivalent to the salary allocated to the Minister, and shall enjoy the privileges and retirement rights granted to him."

(5) Law by Decree No. (5) of 2020 Concerning the Bureau of the Palestinian Presidency¹¹

Article 5 of Law by Decree No. 5 of 2020 stipulates that "... 2. Notwithstanding the provisions of any other legislation, the President of the Bureau shall be appointed by a decision of the President, shall receive a salary equivalent to the salary allocated to the Minister, and shall enjoy the privileges and retirement rights granted to him."

(6) Law by Decree No. (32) of 2022 Concerning the Amendment of the Supreme Constitutional Court Law No. (3) of 2006 and its Amendments¹²

Law by Decree No. 32 of 2022 granted the judges of the Constitutional Court the retirement of members of the Legislative Council, as Article 9 of it stipulates that "paragraphs (1, 2, 3) of Article (14) of the Original Law shall be amended to become as follows: 1. The President of the Court, his deputy, its members or their heirs, upon their retirement, shall be entitled to a retirement salary of (12.5%) for each year spent in service, not less than (50%) and not more than (70%) of the total salary, in a manner that does not prejudice the rights of former judges and prosecutors. 2. The provisions of paragraph (1) of this Article shall apply to the President, Vice-President and judges of the Court in the event of acceptance and confirmation of the resignation, provided that there is a period of service with the Court of not less than three years. 3. The President, Vice-President and members of the Court may not combine the monthly salary or any other retirement salary from the public treasury."

By review of the provisions of the amended Basic Law, the constitutional legislator intended that the remuneration and allowances should be the result of the nature of the function performed by members of the Legislative Council and ministers members of the Government, as it did not refer to any compensation or pensions in articles 55 and 81 of the amended Basic Law relating to deputies and ministers, which only stipulated the terms remuneration and allowances, while article 44 of the Basic Law relating to the President clearly referred to compensation "determined by the Law on the Allowances and Compensation of the President of the National Authority". In other words, **the constitutional legislator did not grant pensions to ministers and deputies or stipulate their organization in a law that indicates that he wanted to respect the rules of public law regarding retirement and regulated by the retirement laws in force, and did not grant discrimination to deputies and ministers so as not to violate the provisions of the Basic Law, especially Article 9 thereof, which stipulates that "Palestinians are before the law and the judiciary, whether there is no discrimination between them because of race, sex, color, religion, political opinion, or disability"**.

However, when the Palestinian legislator approved the Law on Remuneration and Salaries of Members of the Legislative Council, Members of the Government and Governors in 2004, it increased the issue of rights related to members of the Legislative Council and the government towards establishing a special retirement system for them at the expense of the public treasury on

¹¹See [Resolution by Law No. \(5\) of 2020 regarding the Palestinian Presidency Office\(birzeit.edu\)](#)

¹²See [Decision-Law No. \(32\) of 2022 amending the Supreme Constitutional Court Law No. \(3\) of 2006 and its amendments\(birzeit.edu\)](#)

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the one hand, and governors were added to the law despite the fact that they are not politicians and are basically employees subject to laws that regulate their current and future “employment” rights upon retirement.

In addition to the Palestinian legislator's violation of the provisions of the Basic Law with regard to the imposition of a new type of retirement without constitutional basis, as mentioned above, the legislator has violated the rules of public law relating to the principles of social justice and the rule of equality before the law stipulated in the amended Basic Law, on the one hand. On the other hand, it undermined the foundations of the internationally recognized retirement system based on the prepayment of future benefits, i.e. payment at the time of youth to secure safe old age, in addition to the fact that this payment should be for a number of years as a minimum to obtain that benefit; in Palestine they legally agreed to be at least fifteen years to obtain old-age pension. Employees pay 10% of their salaries per month for retirement, after 2005 they pay 7%, but ministers MPs do not pay or contribute to their retirement in any proportion of their remuneration. On the third hand, the state treasury has placed additional financial burdens that future generations are unjustly paid.

As well as the law on the retirement of politicians and the categories of non-politicians who received it also violated the concept of the public interest, which necessarily includes the protection of human rights, public freedoms, respect for the needs of minorities, achieving justice and reducing inequalities, and the existence of effective and accountable institutions. It also contradicts the application of the principle of “reasonableness.” Is it reasonable for a person who holds a public position to receive a retirement without participating in a retirement fund, or to receive ten or six times the annual percentage calculated for the purposes of the retirement salary for state employees.

The financial cost of politicians' retirement For the next twenty years

The financial cost of a provision that imposes the introduction of a continuous expenditure or a specific privilege for one or more positions is usually measured by the size of its medium- and long-term impact on the public treasury (i.e., the financial burdens generated from it), the extent to which they benefit society, and the burdens that will be imposed on citizens "taxpayers", including future generations. The Politicians' Retirement Law places financial burdens on the public treasury and increases the financial bleeding of the state, especially since pensions will be disbursed from the public treasury like any other expense on the one hand, and the pension fund is deprived in this case of supplying contributions and contributions from persons belonging to this category on the other hand.

An overall reading of the size of the potential spending of the public treasury on the retirement of politicians (ministers, deputies, governors, heads of public institutions and judges of the Constitutional Court) over the next twenty years is estimated at about 785 million shekels, which burdens the public treasury. After calculating the loss of retirees, it ranges from 50% to 20% of some categories that have retired politicians.

It is noteworthy that the average age of ministers in the last two governments is 60 years, while some ministers and deputies will receive pensions for more than 30 years, especially those who began their political positions between 30 and 40 years. It should also be noted that this paper did not take into account the cost of retiring members of the Legislative Council in the coming years in the event of parliamentary elections, nor did the cost of those who obtained the "rank of governor and their heirs" and were appointed to advisory or practical positions be calculated except for the Director General of the Crossings and Borders Department, who counted with the heads of public institutions, former governors and their heirs who receive pensions to date.

This is a high cost to the public treasury, especially since its accumulation could increase if parliamentary life returns again in the coming years, and it will also increase if repeated attempts to add categories and individuals to the beneficiaries of politicians' retirement succeed. Regardless, this type of retirement constitutes a continuous drain on public money that increasingly exhausts it, which places burdens on future generations and reduces the chances of investing this money in developing public services provided by the state for the benefit of citizens.

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The financial cost of political retirement and the consequences of the recent amendment to Law No. 11 of S2004

Regarding the bonuses and salaries of members of the Legislative Council, ministers and governors
Amount in shekels

Increase		number			Salary	Monthly in 2024	annually	2028
	Ministers	163			10,080.00	1,643,040.00	19,716,480.00	98,582,400.00
	Representatives	118			10,080.00	1,189,440.00	14,273,280.00	71,366,400.00
	Conservatives	9			8,820.00	79,380.00	952,560.00	4,762,800.00
	Heads of institutions	5			10,080.00	50,400.00	604,800.00	3,024,000.00
	Constitutional Judiciary	7			1,200.00	8,400.00	100,800.00	504,000.00
	the total	302			10,500.00	2,962,260.00	35,647,920.00	178,239,600.00
Increase		number			Salary	Monthly in 2029	annually	2033
23	Ministers	186			10,080.00	1,874,880.00	22,498,560.00	112,492,800.00
0	Representatives	118			10,080.00	1,189,440.00	14,273,280.00	71,366,400.00
11	Conservatives	20			8,820.00	176,400.00	2,116,800.00	10,584,000.00
3	Heads of institutions	8			10,080.00	80,640.00	967,680.00	4,838,400.00
6	Constitutional Judiciary	13			12,000.00	156,000.00	1,872,000.00	9,360,000.00
	the total	345				3,321,360.00	39,856,320.00	208,641,600.00
Increase		number	Loss	After the loss	Salary	Monthly in 2034	annually	2038
20	Ministers	206	21	185	10,080.00	1,864,800.00	22,377,600.00	111,888,000.00
0	Representatives	118	24	94	10,080.00	947,520.00	11,370,240.00	56,851,200.00
11	Conservatives	31	-	31	8,820.00	273,420.00	3,281,040.00	16,405,200.00
3	Heads of institutions	11	-	11	10,080.00	110,880.00	1,330,560.00	6,652,800.00
6	Constitutional Judiciary	19	2	17	14,000.00	238,000.00	2,856,000.00	14,280,000.00
	the total	385		338		3,434,620.00	41,215,440.00	206,077,200.00
Increase		number	Loss	After the loss	Salary	Monthly in 2039	annually	2043
20	Ministers	205	41	164	10,080.00	1,874,880.00	22,498,560.00	112,492,800.00
0	Representatives	94	28	66	10,080.00	665,280.00	7,983,360.00	39,916,800.00
11	Conservatives	42	8	34	8,820.00	299,880.00	3,598,560.00	17,992,800.00
16	Heads of institutions	14	3	11	10,080.00	110,880.00	1,330,560.00	6,652,800.00
6	Constitutional Judiciary	23	5	18	14,000.00	252,000.00	3,024,000.00	15,120,000.00
	the total	378		293		3,202,920.00	38,435,040.00	192,175,200.00
	Total							785,133,600.00

Reform Options for the Politicians' Pension System

In order to respect the rules of the amended Basic Law with regard to equality and social justice, to avoid the continued increase in the volume of financial burdens and their accumulation on the public treasury and the Palestinian people, so as not to be an additional bleeding wound on future generations, and to ensure social justice, twenty years after the Politicians' Retirement Law, it is necessary to suspend work and cancel the part related to the retirement of ministers, deputies and governors of the Remuneration and Salaries of Members of the Legislative Council, members of the Government and Governors Law No. 11 of 2004 and its amendments, and the categories that were added later to it. Or in the same way as stipulated in special laws such as the Presidential Office Law, the State Audit and Administrative Control Bureau Law, the Anti-Corruption Law and the Supreme Constitutional Court Law. This paper proposes several options to address the effects of the Politicians' Retirement Law, which has been in force since 2004, on two levels: (a) addressing the effects and legal positions of the application of this law. and (b) dealing in the future with those who hold or will hold these positions provided for in the Politicians' Retirement Act.

(a) Addressing the legal implications and positions created by the implementation of the Politicians' Retirement Law

(1) Continuing to pay retirement salaries to those who received them under the application of the laws regulating political retirement only; especially since the people who received this retirement have arranged their social and economic lives around the income from this retirement and so as not to add any social imbalances to Palestinian society. Consequently, this type of retirement often ends after an average period of time over the next twenty years. This prevents the accumulation of an increase in the amount of expenses allocated to this type of retirement, and its cost decreases year after year on the public treasury and taxpayers in the future.

(2) Continuing to pay retirement salaries to those who received them under the application of the laws regulating political retirement only, without granting their heirs retirement salaries in the future, considering that this expense is allocated personally to those who contributed to building the state's institutions in their infancy; This preserves the continuity of these people's social and economic lives based on the frequency of income coming from the public treasury. Consequently, this type of retirement ends after an average period of time over the next twenty years. This prevents the accumulation of the amount of expenses allocated to this type of retirement, and its cost decreases year after year for the public treasury and taxpayers in the future.

(3) Individually consider all those who received retirement salaries from this category towards linking them to the General Retirement Law by recalculating their retirement salaries. In line with the General Retirement Law. This proposal stems from the spirit of Cabinet Resolution No. 136 of 2007.¹³Which indicated in Article 5 thereof the possibility of combining the

¹³See [Cabinet Resolution No. \(136\) of 2007 on the executive regulations for calculating retirement benefits for members of the Legislative Council, ministers, governors, and the President of the Palestinian National Authority\(birzeit.edu\)](#)

[This regulation indicates that the Retirement Authority shall retain and keep the contributions and subscriptions for retirement for those who were members of the General Retirement Fund, since the idea of this Fund is based primarily on solidarity.](#)

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years spent by those subject to the Political Retirement Law with the years that they paid into the retirement fund before assuming political office in order to calculate the retirement percentage from the allocation or bonus that they receive, as Article 5 stipulated the following: “1. The previous terms of those who hold the positions mentioned in these regulations (ministers, members of the Legislative Council and governors) are calculated according to the equation of the law to which they were subject before holding those positions and according to the latest amendment. 2. The percentage of the salary due to occupying the above-mentioned positions shall be calculated according to their respective law. 3. The two items (1 and 2) above shall be combined and the result of the two equations shall be considered the percentage of the salary due as an approved retirement pension. 4. In both cases, the retirement pension shall not exceed the maximum percentage as stated in the Law of Rewards and Salaries of Members of the Legislative Council, Members of the Government and Governors No. (11) of 2004”

This option looks at some "politicians" who do not meet the provisions of the General Retirement Law "fifteen years acceptable for the purposes of obtaining a pension" either by providing an end-of-service gratuity, especially those who returned to their previous work before assuming the political positions stipulated in the "Politicians Retirement Law", or providing monthly financial assistance to those who do not have sources of income to help them overcome the difficulties of life.

(4) Stopping the payment of retirement salaries to former political officeholders. This option means stopping the expenditure allocated to this item in the general budget, which saves the public treasury and stops the accumulation of financial burdens in the future on future generations. This option is based on Constitutional Court Decision No. 10 of 2018¹⁴When interpreting Article 55 of the Basic Law,As for the interpretation of the text of the article(55)The Supreme Constitutional Court finds that there are no compelling reasons toAThe continuation of the litigation of the members of the Legislative Council whose term has expiredtoAny financial entitlements or rewardsTprovided for in relevant laws or regulationstoLegislative Affairs.A From the date of issuance of this decisionOn 6/3/2024, the Constitutional Court stressed¹⁵In its ruling regardingResolution of the conflict of execution in the implementation of the decision of the Supreme Constitutional Court issued in the interpretation request No.(2018/10)And the court decisionAdministrativeHigh No.(2022/9)"On the inadmissibility of representatives receiving retirement salaries.

One of the most important drawbacks of this option is that it may add social imbalances in Palestinian society and future political burdens in any national dialogue to restore national unity and end the division.

(b) Dealing in the future with those who hold or will hold these “political” positions.

(1) Including those who hold political positions in the general retirement system by transferring subscriptions and contributions to the retirement fund for those who are already members of the fund and encouraging those who are not members to join it; especially since a number of universities and local authorities have joined the general retirement fund, thus encouraging the possibility of access to “social security.”

(2) Paying the dues of ministers, representatives, and persons brought in by the state to assume political or technical positions, especially positions based on fixed terms, such as the head of the

¹⁴See [Case No.10/2018 Held at the Supreme Constitutional Court on 12/12/2018 \(najah.edu\)](https://www.najah.edu/Case%20No.10/2018%20Held%20at%20the%20Supreme%20Constitutional%20Court%20on%2012/12/2018)

¹⁵See [Execution Dispute Law No. 1-2023.pdf \(najah.edu\)](https://www.najah.edu/Execution%20Dispute%20Law%20No.1-2023.pdf)

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Financial and Administrative Control Bureau, the head of the Anti-Corruption Commission, the governor of the Monetary Authority, and members of the Constitutional Court, to the retirement or savings funds in which they previously participated, considering them seconded to state institutions from their original institutions in which they previously worked.

(3) Paying an end-of-service gratuity to persons who do not have a retirement or savings system such as the two above; by applying the Labor Law for this purpose, a full salary for each year spent in office, or a salary for six months “unemployment allowance” so that those who end their work can join their new jobs without harming their economic conditions or social status.

(4) Paying a “retirement salary” bonus for one year, estimated at approximately 60% of the salary he receives in his position, which ensures the person the ability to search for work that enables him to qualify to return to normal life.

Conclusion

There is no doubt that the "Politicians Retirement Law" has created financial burdens on the public treasury since its adoption in 2004, twenty years ago, and carries future generations without conducting a study or calculating the subsequent financial obligations on the public treasury and taxpayers, as it disrupted the foundations of the retirement and social security system, and provided opportunities for some groups to enter to obtain this type of retirement, and for the continued attempts of other groups to obtain this type of retirement without adhering to the nationally and internationally recognized retirement rules.

Despite the illegality of the retirement section of the Law on the Remuneration and Salaries of Members of the Legislative Council, Members of the Government and Governors No. 11 of 2004 and its amendments, this paper presents a number of "reform" solutions for decision-makers to deal with the effects of the Politicians Retirement Law and the size of the accumulated burdens on the public treasury and the Palestinian people, so that it does not be an additional bleeding wound on future generations. The paper proposes to cancel the law on the retirement of ministers, deputies, governors and categories that were added later to it or similar to it stipulated in special laws such as the Presidential Office Law, the Law of the Financial and Administrative Control Office, the Anti-Corruption Law and the Law of the Supreme Constitutional Court, due to the unconstitutionality of the Law on Remuneration and Salaries of Members of the Legislative Council, Members of the Government and Governors No. 11 of 2004 in the first place and all that has been attached to this type of retirement based on it.

The optimal solution, according to what this paper proposes, is: merging those entitled to retirement from those subject to the Political Retirement Law And settle their situation MPs, ministers, members of the government, governors, members of the Constitutional Court, and heads of public institutions who were appointed pursuant to the laws regulating their institutions, such as the Financial and Administrative Control Bureau, the Presidency, and the Anti-Corruption Commission. And any persons included in the retirement of politicians, according to. General Retirement Law And treating those who are not eligible to receive a retirement pension.

The optimal solution, according to what this paper proposes, is to merge those who deserve retirement from those subject to the political retirement law and regularize their status: deputies, ministers, members of the government, governors, members of the Constitutional Court, heads of public institutions who have been granted under the laws governing their institutions, such as the State Audit and Administrative Control Bureau, the Presidency Office, the Anti-Corruption Commission and any persons covered by the retirement of politicians, in accordance with the General Retirement Law, and to treat those who do not receive a pension.

In the future, everyone who holds a political position, whether ministers or representatives, will be treated with payment. For the insurance or savings systems in which they participate, as for those who are not eligible to receive retirement salaries according to the General Retirement Law It is done Granting them a six-month bonus or a one-year retirement salary not exceeding 60% of the salary/bonus he received during his service, unless he is a member of a retirement or savings system that guarantees his return to work; and To stop the public treasury and taxpayers from bearing the burden of the politicians' retirement law.

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